IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.503 of 2005
Date of decision: October 31, 2006.

Tripta Rani

...**Petitioner(s)**

v.

R.L. Kamboj

...**Respondent(s)**

Present: Shri Sanjeev Kodan, Advocate for the petitioner.

Surya Kant, J. (Oral)

The petitioner filed CWP No.1362 of 2005, in which, vide an interim order dated 28.2.2005 passed by this court, recovery against her were stayed.

It is averred that despite communication of this order, the respondent effected recovery of Rs.6,000/- from the monthly salary of the petitioner, as is evident from the receipt dated 31.3.2005 (Annexure P-2).

Learned Counsel for the petitioner, however, fairly states that no recovery has been effected by the respondent from the petitioner's salary thereafter.

Since the possibility of effecting the solitary recovery, referred to above, before the interim order dated 28.2.2005 could be communicated to the respondent, cannot be ruled out, therefore, no case to initiate contempt proceedings against the respondent, at this stage, is made out.

Consequently, this petition is disposed of with liberty to the

petitioner to represent to the respondent in order to show that the recovery of the amount as reflected in the receipt, Annexure P-2, was made after the interim order dated 28.2.2005. Needless to say that if the above stated interim order is confirmed and/or the petitioner succeeds before this court in the writ petition, the amount recovered from the petitioner vide receipt Annexure P-2 shall also be refunded to her in accordance with law. With these directions and observations, this petition is disposed of.

October 31, 2006. [**Surya Kant**]
kadyan **Judge**